

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY**

**In re:**

**TRINITY COAL CORPORATION, et al.<sup>1</sup>**

**Debtors.**

**Chapter 11**

**Case No. 13-50364**

**(Jointly Administered)**

**MOTION TO MAKE FINAL DISTRIBUTION TO RESPONDING CREDITORS**

Comes Ellen Arvin Kennedy, in her capacity as Trustee (the “Trustee”) of the Trinity Unsecured Creditors Trust (the “Trust”), in the captioned cases, and hereby files her Motion to Make Final Distribution (the “Motion”) to certain unsecured creditors, and submits the following statement in connection therewith:

1. Pursuant to the Court’s Order entered August 1, 2017 [DE 1576] (the “Order”)<sup>2</sup> the Trustee sent all scheduled unsecured creditors and all unscheduled unsecured creditors who filed an allowed proof of claim, a letter entitled the “2017 Distribution Letter” (attached hereto as Exhibit A). The 2017 Distribution Letter established a final deadline of October 7, 2017, sixty days from the date of the 2017 Distribution Letter, for parties to deliver to the Trustee any IRS W-9 forms for the years 2015, 2016, or 2017 not previously sent to the Trustee.

2. In addition to the 2017 Distribution Letter, on August 21, 2017, the Trustee, with assistance from the Trust’s accountant Dean, Dorton, Allen, & Ford, PLLC, sent a second letter to the same set of unsecured creditors (attached hereto as Exhibit B) restating the need for 2017

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<sup>1</sup> The Debtors in the above-captioned Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Trinity Coal Corporation (1163); Trinity Parent Corporation (1080); Trinity RMG Holdings LLC (2840); RMG, Inc. (8388); Trinity Coal Partners LLC (4711); Trinity Coal Marketing LLC (3532); Frasure Creek Mining, LLC (9409); Falcon Resources LLC (7742); Prater Branch Resources LLC (3662); Little Elk Mining Company LLC (0373); Levisa Fork Resources LLC (9407); Bear Fork Resources LLC (7993); North Springs Resources LLC (6323); Deep Water Resources LLC (6594); Banner Coal Terminal LLC (9017); and Hughes Creek Terminal LLC (8285). The address of the principal office for each of the Debtors is 4978 Teays Valley Road, Scott Depot, WV 25560.

<sup>2</sup> All terms that are used but not otherwise defined herein shall have the meaning ascribed to them in the Order.

W-9 forms to be sent to the Trust in order to receive their 2017 distribution and setting the final deadline of October 7, 2017.<sup>3</sup>

3. The final deadline to receive completed IRS W-9 Forms for all relevant time periods having passed, all claims of creditors who did not comply (“Non-Responding Creditors”) were removed from the claims schedule pursuant to the Order. All funds previously held for Non-Responding Creditors will be used in the service of making the 2017 Distribution to Responding Creditors. Final distribution has been calculated for all creditors who complied with the request for an executed IRS W-9 form for the relevant time periods (the “Responding Creditors”). This action maximizes available funds, and provides Responding Creditors with the highest possible distribution percentage.

4. As of this filing, the Trustee has made all 2015 and 2016 distributions to Responding Creditors, which together total approximately 7% of their allowed claims.

5. The Trustee now seeks to make her third and final distribution to Responding Creditors (the “2017 Distribution”). A comprehensive list of Responding Creditors who will receive a 2017 Distribution and the amounts to be paid to each is attached hereto as Exhibit C. The 2017 Distribution will equal approximately 4.11% of Responding Creditors’ claims, and together with distributions from 2015 (5%) and 2016 (2%), Responding Creditors will have received a total distribution of 11.11% of their claims under the Chapter 11 Plan.<sup>4</sup>

6. Pursuant to the Liquidating Trust Agreement (the “Trust Agreement”) [DE 1186], the totality of funds currently held in the Trust, being \$3,648,628.40, will be disbursed to Responding Creditors for this final distribution from the Trust, less a holdback of \$52,000.00 for calculated accounting services, legal fees, bank fees, and database maintenance fees anticipated

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<sup>3</sup> As outlined in the Trustee’s prior Motion to Disallow Non-Responding Creditor’s Claims [DE 1575], similar letters to Trust Beneficiaries were sent in 2015 and 2016.

<sup>4</sup> This percentage does not apply to Responding Creditors who have not submitted W-9 forms for all three years.

to be incurred hereafter. A list of anticipated necessary expenses to wrap up the Trust administration is attached as hereto as Exhibit D.

7. Since the 2017 Distribution will be the third and final distribution, the Trustee will void any 2017 Distribution payment if said payment has not been deposited by the creditor within thirty (30) days after the check was drafted. In the past, approximately ten 2015 and 2016 distribution checks sent to Responding Creditors were not cashed. Based on this prior creditor behavior, it is unlikely significant funds will remain unclaimed, and it would be mathematically impossible to make a further distribution of funds that might remain in the event some 2017 Distribution checks are not cashed. Should funds remain in the Trust due to Responding Creditors' failure to cash their checks, the Trustee will seek authority to donate the remaining funds to an appropriate charity in her Motion to Close the Trust and Release the Trustee. Pursuant to the Trust Agreement, a Report of Final Accounting will be filed within ninety (90) days following the Order Granting the Trustee's release.

WHEREFORE, the Trustee requests entry of an Order allowing the Trustee to make her final distribution to Responding Creditors and approving a deadline of thirty (30) days for creditors to deposit their 2017 Distribution payment.

**NOTICE AND OPPORTUNITY TO OBJECT**

Notice is hereby given that the parties have until fourteen (14) days from the date of the Certificate of Service to file an objection to this Motion. If no objection is timely filed, the Trustee will go ahead with the 2017 Distribution without a hearing on the Motion. If an objection is timely filed, the objecting party shall notice said objection for hearing on October 25, 2017, that being the Court's next available hearing date.

Respectfully submitted,

DINSMORE & SHOHL LLP

/s/ Ellen Arvin Kennedy, Esq.

Ellen Arvin Kennedy, Esq. (Ky. Bar. # 88347)

Lexington Financial Center

250 West Main Street, Suite 1400

Lexington, KY 40507

Telephone: 859-425-1000

Facsimile: 859-425-1099

Email: ellen.kennedy@dinsmore.com

**TRUSTEE OF THE TRINITY UNSECURED  
CREDITORS TRUST**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Motion was served electronically in the method established under the CM/ECF Administrative Procedures Manual to all parties being notified via ECF having filed a Notice of Appearance in this case and via mail upon all parties below on this 10<sup>th</sup> day of October, 2017.

ABC CORP  
824 E RIVERVIEW DRIVE  
BELLE, WV 25015

400 HINCHMAN ST  
LOGAN, WV 25601

A+ PORTABLE  
RESTROOMS  
55 COUNTRY FARM  
ESTATES  
LONDON, KY 40740

A.W. CHESTERTON  
COMPANY  
ATTN: DONNA KENNEY  
500 UNICORN PARK  
DRIVE  
WOBBURN, MA 0181

RIVERENA  
CONSTRUCTION LLC  
PO BOX 316  
STANAFORD, WV 25927

AUSTIN POWDER  
COMPANY  
25800 SCIENCE PARK  
DRIVE  
BEACHWOOD, OH 44122

A.L. LEE CORPORATION  
PO BOX 3463  
CHARLESTON, WV 25334

RUDD EQUIPMENT  
COMPANY  
DEPARTMENT 77432,  
DETROIT, MI 48277-0432

ACCURATE  
SURVEYING, INC  
32 MANNING DRIVE  
SOUTH CHARLESTON,  
WV 25309

AEGIS LIMITED  
Essar House, 11 K.K. Marg,  
Mahalaxmi, Mumbai 400034  
INDIA

SOUTH EAST WELDING,  
LLC  
348 HENRY'S BRANCH RD  
LANGLEY, KY 41645

AIRGAS-MID AMERICA  
PO BOX 532609  
ATLANTA, GA 30353

ALLEN HUBBARD  
485 Holly Bush Hollow,  
Hwy 850  
PRESTONSBURG, KY  
41653

SODEXO FOOD  
SOLUTIONS INDIA  
KOLSITE HO 1 FL., 31  
SHAH INDUST. E  
MUMBAI, ANDHERI,  
400053 INDIA

ALLIEDBARTAN  
SECURITY SERVICE,  
LLC  
8 TOWN BRIDGE,  
161 WASHINGTON ST.,  
SUITE 600,  
CONSHOHOCKEN, PA  
19428

ALS GROUP  
10450 Stancliff Road  
Houston, TX 77099

TALON LOADOUT  
COMPANY  
ATTN: NICHOLAS S.  
JOHNSON  
ONE ALPHA PLACE  
P.O. BOX 16429  
BRISTOL, VA 24209

AMERICAN ELECTRIC  
POWER  
1 Riverside Plaza  
Columbus, OH,

ANALABS, INC 196 DAYTON ST. PO BOX 1235 CRAB ORCHARD, WV 25827	THOMAS & GENEVA HAMILTON C/O NED PILLERSDORF 24 WEST COURT STREET PRESTONSBURG, KY 41653	BRYAN ANGEL ATTN: KRISTINA THOMAS WHITEAKER THE GRUBB LAW GROUP 20 River Birch Lane #1 CHARLESTON, WV 25306
OGEE ENVIRONMENTAL CONSULTANTS PO BOX 338 ERMINE, KY 41815	TONY R. HENDERSON 100 KYLE COURT BLUEFIELD, WV 24701	APPALACHIAN FABRICATION & METAL 409 KEITH MILLER DRIVE CHAVIES, KY 41727
APPALACHIAN SECURITY, INC 180 TOWN MOUNTAIN RD, SUITE 110 PIKEVILLE, KY 41501	VIRCO, INC. PO BOX 4183 CHARLESTON, WV 25364	APPALACHIAN STREAM RESTORATION, LLC 48 WANDLING RD SUMERCO, WV 25567
BAIRD & BAIRD, PSC PO BOX 351 PIKEVILLE, KY 41502	WV PLC REPAIR, LLC PO BOX 293 WHITMAN, WV 25652	BECKLEY STEEL, INC PO BOX 725 CRAB ORCHARD, WV 25827-0725
BILLY E. REFFETT ATTN: TOM SMITH PO BOX 746 PRESTONSBURG, KY 41653	W.K.J. CONTRACTOR'S 889 HWY 3400 JENKINS, KY 41537	DEXTER REFFETT ATTN: TOM SMITH PO BOX 746 PRESTONSBURG, KY 41653
BLACKSTONE RESOURCES, INC 176 BARNWOOD DRIVE, SUITE A EDGEWOOD, KY 41017	BROOKS RUN SOUTH MINING ATTN: PHILLIP MONROE 300 RUNNING RIGHT WAY PO BOX 261 JULIAN, WV 25529	BRAKE SUPPLY CO., INC. 5501 FOUNDATION BLVD. EVANSVILLE, IN 47725
PAUL BREWER ATTN: MCKINNLEY MORGAN 921 SOUTH MAIN STREET LONDON, KY 40741	INDEPENDENCE COAL COMPANY ATTN: PHILLIP MONROE 300 RUNNING RIGHT WAY PO BOX 261 JULIAN, WV 25529	CAUDILL SEED 1402 WEST MAIN STREET LOUISVILLE, KY 40203

CBC ENGINEERS & ASSOCIATES, LTD 125 Westpark Rd Centerville, OH 45459	Machine Services & Associates PO BOX 367 Scarbro, WV 25917	CENTRIFUGAL SERVICES, INC. 5595 HIGHWAY 34TH NORTH RALEIGH, NC 62977
CHARLESTON NEWSPAPER 1001 Virginia Street CHARLESTON, WV 25301	Cecil Walker Machinery Company PO Box 35900 Louisville, KY 40232-5900	CINCINNATI MINE MACHINERY CO. 2950 JONROSE AVE CINCINNATI, OH 45239
CIVITAS MEDIA, LLC P.O. BOX 690 MIAMISBURG, OH 45343- 0690	LATHAM & WATKINS, LLP 555 West Fifth Street, Suite 800 Los Angeles, CA 90013- 1010	COCA-COLA BOTTLING CO. PO BOX 751257 CHARLOTTE, NC 28275- 1257
COGAR MANUFACTURING, INC. PO BOX 532 BECKLEY, WV 25802	Carpenter's Repair PO Box 415 Lake, WV 25121	LAWRENCE COLLINS ATTN: MCKINNLEY MORGAN 921 SOUTH MAIN STREET LONDON, KY 40741
ANDY COMBS ATTN: MCKINNLEY MORGAN 921 SOUTH MAIN STREET LONDON, KY 40741	Jones & Associates PO Box 1989 Charleston, WV 25327	COMPLIANCE MONITORING LABORATORIES 50 CANEY BRANCH ROAD, SUITE 1 CHAMPANVILLE, WV 25508
COOK TIRE, INC. PO BOX 970 LONDON, KY 40743	Marshall Miller & Associates, Inc 582 Industrial Park Road Bluefield, VA 240605	CURRY SUPPLY COMPANY 4183 COVE MOUNTAIN ROAD ROARING SPRING, PA 16673
DAVIS BROTHERS CONSTRUCTION, INC. 1117 KY RT 850 DAVID, KY 41616	Whayne Supply Company PO Box 35900 Louisville, KY 40232-5900	DE LAGE LANDEN FINANCIAL SERVICES 1111 OLD EAGLE SCHOOL RD WAYNE, PA 19087

DECOTA CONSULTING  
COMPANY  
4984 WEST  
WASHINGTON STREET  
CROSS LANES, WV 25313

Brian N. Workman  
DBA K & K Bit Company  
5075 Huff Creek Road  
Cyclone, WV 24827

DFM PROCESSING, LLC  
PO BOX 22696  
LEXINGTON, KY 40502

RICHARD DOBSON  
ATTN: MCKINNLEY  
MORGAN  
921 SOUTH MAIN  
STREET  
LONDON, KY 40741

KENTUCKY DREDGING  
LLC  
7 Haddar Ridge  
HAZARD, KY 41701

DON'S AUTO PARTS, INC.  
331 MADISON AVE.  
MADISON, WV 25130

DOUBLE S, LLC  
ATTN: GREGORY W.  
SPROLES, PLLC  
509 CHURCH ST.  
SUMMERSVILLE, WV  
26651

American Express Travel  
Related Services  
200 Vesey Street  
New York, NY 10285

EFAX CORPORATE  
6922 HOLLYWOOD  
BLVD., SUITE 500  
LOS ANGELES, CA 90028

ELDRIDGE STEAM  
CLEANING, INC.  
753 BIG UGLY ROAD  
EAST  
LEET, WV 25524

RANDALL & FLOSSIE  
HALL  
60 WEST BEECH STREET  
JEFFERSON, OH 44047

ELECTRO-QUIP SERVICE  
CORPORATION  
PO BOX 1208  
BECKLEY, WV 25801

ESTATE OF SIANNA  
RISNER  
1571 ABBOT CREEK  
ROAD  
PRESTONSBURG, KY  
41653

WILLIS OF TENNESSEE  
INC.  
PO BOX 905643  
CHARLOTTE, NC 28290-  
5643

FAB-TEC CORPORATION  
142 Rich Creek Rd  
PO Box 10  
Man, WV 25635-0010

GUYAN HEAVY  
EQUIPMENT, INC.  
PO BOX 1270  
CHAPMANVILLE, WV  
25508

RSC EQUIPMENT RENTAL  
PO BOX 840514  
DALLAS, TX 75284-0514

H & H WELDING CO, INC.  
PO BOX 266  
SUMMERSVILLE, WV  
26651

DONNIE HENDERSON  
ATTN: LEONARD  
BRASHEAR  
PO BOX 677  
HYDEN, KY 41749

LETA JAYNE RUNYON  
12711 SW ARCHER LANE  
ARCHER, FL 32608

PAUL HOWARD  
3573 KY RT 850  
PRESTONSBURG, KY  
41653

PHILLIP HUDSON ATTN: MCKINNLEY MORGAN 921 SOUTH MAIN STREET LONDON, KY 40741	SHEPARD, DENVER AND BRENDA 277 POPLAR BRANCH DAVID, KY 41616	HYDROTECH 10052 COMMERCE PARK DRIVE CINCINNATI, OH 45246- 1338
J & R REPAIRS, INC. PO BOX 290 DANVILLE, WV 25053	STEPHANIE WILLIAMS 39 ALEXANDER DRIVE VAN LEAR, KY 41265	J & M MONITORING, INC. 251 TOLLAGE CREEK PIKEVILLE, KY 41501
J & S STEEL & EDGE SUPPLY ATTN: C.V. REYNOLDS LAW OFFICES, PSC 112 W. COURT STREET STE. 100 PRESTONSBURG, KY 41653	TAMMY'S QUALITY CONTRACTORS INC. 491 CANOE BR ROAD CHAPMANVILLE, WV 25508	JANE LEE ENTERPRISES, INC. PO BOX 1352 OAK HILL, WV 25901
JOHNSON INDUSTRIES, INC. 101 PINE FORK PIKEVILLE, KY 41501	TMK ENTERPRISE SECURITY SERVICES 65 Encicott Dr 2 Rr 52 Delbarton, West Virginia 25670	KANAWHA SCALES & SYSTEMS, INC. PO BOX 569 POCA, WV 25159
KAZEE LAW FIRM C/O D.B. KAZEE P.O. BOX 22696 LEXINGTON, KY 40522	VALLEY NATIONAL GASES, INC. PO BOX 347297 PITTSBURGH, PA 15251- 4297	KENTUCKY ENERGY & ENVIR. CABINET C/O DEPT. FOR NATURAL RESOURCES ATTN: M.P. WOOD, OFFICE OF THE GC #2 HUDSON HOLLOW RD FRANKFORT, KY 40601
BILLY KING ATTN: MCKINNLEY MORGAN 921 SOUTH MAIN STREET LONDON, KY 40741	WORLDWIDE EQUIPMENT PO BOX 2208 DECATUR, AL 35609-2208	MICHAEL KING ATTN: LEONARD BRASHEAR PO BOX 677 HYDEN, KY 41749

KING'S TIRE SERVICE,  
INC.  
PO BOX 3511  
BLUEWELL, WV 24701

Marshall Miller &  
Associates, Inc  
582 Industrial Park Road  
Bluefield, VA 240605

KK BIT CO  
ATTN: RYAN S.  
MARSTELLER  
BAILES, CRAIG & YON  
PLLC  
PO BOX 1926  
HUNTINGTON, WV 25720-  
1926

KPS SALES LLC  
PO BOX 4157  
WINCHESTER, KY 40292-  
4157

TALON LOADOUT  
COMPANY  
ATTN: PHILLIP MONROE  
300 RUNNING RIGHT WAY  
PO BOX 261  
JULIAN, WV 25529

LATHAM & WATKINS,  
LLP  
PO Box 7247-8181  
Philadelphia, PA 19170-8181

BUELAH LEITCH  
ATTN: MATTHEW S.  
GOEING  
10 COURT STREET  
WINCHESTER, KY 40391

ALPHA LAND AND  
RESOURCES  
ATTN: PHILLIP MONROE  
300 RUNNING RIGHT WAY  
PO BOX 261  
JULIAN, WV 25529

LOGAN HYDRAULICS &  
MACH  
ATTN: RYAN S.  
MARSTELLER  
BAILES, CRAIG & YON  
PLLC  
PO BOX 1926  
HUNTINGTON, WV 25720-  
1926

MAGGIE HAMILTON  
26 DRY BRANCH  
TEABERRY, KY 41660

Debbie Shepherd  
ATTN: COLLINS & ALLEN  
PO BOX 475  
SALYERSVILLE, KY 41465

MCCOY & MCCOY, INC.  
PO BOX 907  
MADISONVILLE, KY  
42431

MERRILL  
COMMUNICATIONS, LLC  
ONE MERRILL CIRCLE  
SAINT PAUL, MN 55108

Southern Construction  
PO BOX 614  
HOLDEN, WV 25625

MINE SAFETY &  
HEALTH  
ADMINISTRATION  
PO BOX 790390  
SAINT LOUIS, MO  
63179-0390

OPAL J. MOORE  
PO BOX 435  
MCDOWELL, KY 41647

Thaxton Construction, Co.  
ATTN: WALTON S.  
SHEPHERD  
PO BOX 13249  
SISSONVILLE, WV 25360

MOUNTAIN STATE  
RECLAMATION  
45 HIDDEN VALLEY  
CHAPMANVILLE, WV  
25508

NCCLR, LLC  
6344 LICK CREEK ROAD  
SALYERSVILLE, KY  
41465

Tri-State Rail Services, Inc.  
PO BOX 122  
WORTHINGTON, KY 41183

NEXUS TERRA, LLC  
PO BOX 1194  
BLUEFIELD, WV 24701

OEM RETROFIT  
PRUITT & DE BOURBON  
LAW FIRM  
PO BOX 339  
PIKEVILLE, KY 41502

United Rentals, Inc.  
ATTN: RHONDA SIMS  
6125 LAKEVIEW ROAD  
#300  
CHARLOTTE, NC 28269

OPAL NEWSOME  
364 OLGA HOLLOW RD.  
MCDOWELL, KY 41647

SCOTTY PATRICK  
8575 DANBURY BLVD  
#204  
NAPLES, FL 34120

Whayne Supply Company  
ATTN: KEVIN LEE,  
ACCOUNTS MANAGER  
1400 CECIL AVENUE  
LOUISVILLE, KY 40211

PONCOVE, INC.  
PO BOX 159  
GLEN DANIEL, WV 25844-  
0159

PORTER, SCHMITT,  
BANKS & BALDWIN  
PO BOX 1767  
PAINTSVILLE, KY 41240

Zee Medical  
8002 Woodland Dr  
Indianapolis, IN 46278

PUTNAM COUNTY FIRE  
SERVICE BOARD  
PO BOX 878  
WINFIELD, WV 25213-  
0878

QUALITY MINE  
CONTROL, INC.  
PO BOX 4358  
CHAPMANVILLE, WV  
25508

Mountain State Reclamation,  
Inc.  
488 Zatto Lane  
Danville, WV 25053

RAYMOND &  
MARGARET HALL  
PO BOX 593  
MCDOWELL, KY  
41647

RELIABLE RESOURCES  
12993 KY Hwy 7  
CORNETTSVILLE, Ky  
41731

CUMMINS  
PO BOX 663811  
INDIANAPOLIS, IN 46266

REPUBLIC SERVICES  
18500 North Allied Way  
Phoenix , az 85054

VIVIAN RUDD  
HC 60 BOX 619  
SALYERSVILLE, KY  
41465

DECANTER MACHINE,  
INC  
3622 BRISTOL HWY  
JOHNSON CITY, TN 37601

SAULS SEISMIC, INC  
3710 4TH AVENUE  
SOUTH  
BIRMINGHAM, AL 35222

SGS PO BOX 2502 CAROL STREAM, IL 60132-2502	EAST KY RENTAL & SUPPLY 232 Willies Way Hazard, KY 41701	SHAMBLIN STONE ATTN: Nick J. Cirignano 20 NW First Street 9th Floor PO Box 916 Evansville, IN 47706
SMITH ADJUSTING, INC. 2931 HULTZ ROAD COTLETTSBURG, KY 41129	ENERGY PUBLISHING, LLC 224 SOUTH PETERS RD. SUITE 202 KNOXVILLE, TN 37923	SMITH MANUS 2307 RIVER ROAD, SUITE 200 LOUISVILLE, KY 40206
SOUTH EAST WELDING, LLC 348 HENRY'S BRANCH RD LANGLEY, KY 41645	FRONTIER COMMUNICATIONS ATTN: BANKRUPTCY DEPT 19 JOHN ST MIDDLETOWN, NY 10940	SOUTHEAST DRILLING SUPPLIES 48 BUCKFIELD ROAD PIKEVILLE, KY 41501
SOUTHERN WV COMMUNITY COLLEGE PO BOX 2900 LOGAN, WV 25637	GARRETSON MACHINE & FABRICATION INC PO BOX 485 STOLLINGS, WV 25646	SPILMAN THOMAS & BATTLE, PLLC 300 KANAWHA BLVD, EAST CHARLESTON, WV 25321- 0273
RICHARD STACY ATTN: MCKINNLEY MORGAN 921 SOUTH MAIN STREET LONDON, KY 40741	GLORIA S. HEBERT PO BOX 1076 GRETNA, LA 70054	STATE ELECTRIC SUPPLY CO. ATTN: RYAN S. MARSTELLER BAILES CRAIG & YON PLLC PO BOX 1926 HUNTINGTON, WV 25720- 1926
KIRSTINA STROHSCHHEIN ATTN: MATTHEW S. GOEING 10 COURT ST. WINCHESTER, KY 40391	INDEPENDENCE COAL COMPANY, INC. ATTN: NICHOLAS S. JOHNSON 300 RUNNING RIGHT WAY P.O. BOX 261 JULIAN, WV 25529	SUMMERSVILLE GLASS, INC. 1038 ARBUCKLE ROAD SUMMERSVILLE, WV 26651

SWORMSCO, INC. PO BOX 99 LISTIE, PA 15549	JONES WALTERS TURNER & SHELTON PLLC 208 SECOND STREET PIKEVILLE, KY 41502	MICHAEL TURNER ATTN: MCKINNLEY MORGAN 921 SOUTH MAIN STREET LONDON, KY 40741
TURNPIKE CHEVROLET 4130 FIRST AVENUE NITRO, WV 25143	KENTUCKY DREDGING LLC 252 ROWL STREET HAZARD, KY 41701	US BEARING & POWER TRANSMISSION PO BOX 1216 SCOTT DEPOT, WV 25560
VAREL INTERNATIONAL, LP PO BOX 540157 DALLAS, TX 75354	ALFRED AND CAROL FUGATE C/O NED PILLERSDORF 124 WEST COURT STREET PRESTONSBURG, KY 41653	WEST VIRGINIA SPRING & RADIATOR, CO. PO BOX 550 NITRO, WV 25143
WEST VIRGINIA SYMPHONY ORCHESTRA PO BOX 2292 CHARLESTON, WV 25328	LORA ALLEN 2114 NW 55TH BLVD. #16 GAINESVILLE, FL 32653	WHAM STEAM CLEANING ATTN: B.D. NUNNERY, MOAK & NUNNERY 531 Henry's Branch Road LANGLEY, KY 41645
XYLEM DEWATERING SOLUTIONS, INC. 1 International Drive Rye Brook, NY 10573	APPALACHIAN SECURITY INC. 180 TOWN MOUNTAIN RD, SUITE 110 PIKEVILLE, KY 41501	A & P Trucking, Inc. Attn: Phillip Margo 204 High Street Ste 206 Morgantown, WV 26505
Abbott Engineering 3073 KY ROUTE 321 PRESTONSBURG, KY 41653	BARRY RISNER PO BOX 707 MARTIN, KY 41649	ACF Environmental PO BOX 758763 RICHMOND, VA 21275- 8763
Anna Marie Allen PO BOX 76 VANCLEVE, KY 41385	BUCHANAN PUMP SERVICE & SUPPLY CO. PO BOX 827 POUND, VA 24279	Joe Michael Allen PO BOX 76 VANCLEVE, KY 41385

Alpha Technologies  
4003 OUTLOOK DRIVE  
HURRICANE, WV 25526

CAREY CONCRETE INC.  
PO BOX 803  
WAYNE, WV 25570

American Express Travel  
C/O BECKETT & LEE LLP  
PO BOX 3001 MALVERN  
PA 19355-0701

American Factors, Corp.  
2323 BRYAN ST., SUITE  
2121  
DALLAS, TX 75201

CERTIFIED  
LABORATORIES  
23261 NETWORK PLACE  
CHICAGO, IL 60673-1232

Ammonia, Inc.  
PO BOX 1298  
SHADY SPRINGS, WV  
25918-1298

APPRIVER, LLC  
1101 GULF BREEZE  
PARKWAY, SUITE 200  
GULF BREEZE, FL  
32561-4862

CHILDERS ENTERPRISES  
INC.  
1604 SOUTH KANAWHA  
STREET  
BECKLEY, WV 25801

Argo Partners  
12 WEST 37TH STREET  
9TH FLOOR  
NEW YORK, NY 10018

ASM Captial  
7600 JERICHO  
TURNPIKE SUITE 302  
WOODBURY, NY 11797

COBRA NATURAL  
RESOURCES, LLC  
ATTN: NICHOLAS S.  
JOHNSON  
300 RUNNING RIGHT WAY  
P.O. BOX 261  
JULIAN, WV 25529

B & M Repair, Inc.  
PO BOX 4546  
CHAPMANVILLE, WV  
25508

Baker Truck Equipment  
PO BOX 482  
HURRICANE, WV 25526

WV OFC MINERS HLTH &  
SFTY TRAINING  
550 INDUSTRIAL DRIVE  
OAK HILL, WV 25901

Beverly Adams  
1683 Royalton Road  
SALYERSVILLE, KY  
41465

Bill Miller Equipment  
Sales, Inc.  
PO BOX 112  
ECKHART MINES, MD  
21528

LAW RIVER COMPANY  
LLC  
PO BOX 190  
HANSFORD, WV 25103

C & B Blueprint, Inc.  
824 6TH STREET  
HUNTINGTON, WV  
25701

Carpenter's Repair  
C/O JOHNSTONE &  
GABHART, LLP  
P.O. BOX 313  
CHARLESTON, WV  
25321

MOHAWK ENERGY LLC  
350 KY BLVD  
HAZARD, KY 41701

Cecil Walker Machinery  
Company  
PO Box 35900  
Louisville, KY 40232-5900

Charleston Blueprint,  
Inc.  
1203 VIRGINIA STREET  
EAST  
CHARLESTON, WV  
25301

NELL JEAN ENTERPRISES  
PO BOX 1837  
BECKLEY, WV 25802-1837

Cintas  
PO BOX 630910  
CINCINNATI, OH  
45263-0910

CIT Technology  
Financing Services, Inc.  
10201 CENTURION  
PARKWAY NORTH  
SUITE 100  
JACKSONVILLE, FL  
32256

PAGE-KINCAID PUBLIC  
SERVICE DISTRICT  
PO BOX 165, ROUTE 61  
KINCAID, WV 25119-0165

CJ's Well Service, Inc.  
PO BOX 133  
ROWE, VA 24646

Contrarian Funds, LLC  
411 WEST PUTNAM  
AVENUE, SUITE 425  
GREENWICH, CT 06830

PIKE TECHNICAL  
SERVICES, INC.  
183 TOLLAGE CREEK  
PIKEVILLE, KY 41501

Conveyor Manufacturing  
& Supply  
PO BOX 665  
HOLDEN, WV 25625

Cultural Resource Analysts,  
Inc.  
3556 TEAYS VALLEY  
ROAD, SUITE 3  
HURRICANE, WV 25526

PROCESS SYSTEMS, INC.  
PO BOX 653  
ISOM, KY 41824

Daniel Rowe  
PO BOX 1311  
MARTIN, KY 41649

Denham Commodity  
Partners Fund  
200 CLARENDON  
STREET, 25TH FLOOR  
BOSTON, MA 02116

QUALITY MAGNETITE  
PO BOX 890191  
CHARLOTTE, NC 28289-  
1911

Dominion Carbon Sales,  
LLC  
12001 RAVENNA DRIVE  
CHESTERFIELD, VA  
23838

Donna Adams  
PO BOX 233  
SAYLERSVILLE, KY  
41465

Twin Energy, LLC  
3408 Ky Hwy 581  
Tutor Key, KY 41263

Duke Energy Carolinas,  
LLC  
PARKER POE ADAMS &  
BERNSTEIN, LLP  
401 S. TRYON STREET,  
SUITE 3000  
CHARLOTTE, NC  
28202

Eagle Carbon, Inc. PO BOX 187 LOCHGELLY, WV 25866-0187	WC Hydraulics, LLC 172 PHILPOT LANE BEAVER, WV 25813	Eastern Screens & Drives, Inc. 402 TEAYS BRANCH ROAD PAINTSVILLE, KY 41240
Elk Horn Coal Corp. ATTN GENERAL COUNSEL 424 LEWIS HARGETT CIRCLE SUITE 250 LEXINGTON, KY 40503	Williams Forestry & Associates, LLC PO BOX 1543 CALHOUN, GA 30703	Energy Ventures Analysis, Inc. 1901 N. MOORE STREET, SUITE 1200 ARLINGTON, VA 22209-1706
Environmental Resources Management 2265 HARRODSBURG ROAD, SUITE 200 LEXINGTON, KY 40504	United States of America, Et Al. C/O UNITED STATES ATTORNEY ATTN: DAVID MIDDLETON 260 WEST VINE, SUITE 300 LEXINGTON, KY 40509- 1612	Equitable Production Company 1710 PENNSYLVANIA AVENUE CHARLESTON, WV 25302
Flomin Coal, Inc. PO BOX 405655 ATLANTA, GA 30384- 5655	CREST SUPPLY 1040 SCENIC HWY. SUMMERSVILLE, WV 26651	Gallagher Coal PO BOX 1227 CRAB ORCHARD, WV 25827
Gates Supply, Inc. 363 RAGLAND RD. BECKLEY, WV 25801	DANIELS COMPANY PO BOX 643951 PITTSBURGH, PA 15264- 3951	Glenn Roark Construction, Inc. PO Box 790 London, KY 40743
Goode's Ventilation & Mining Supply 834 RAGLAND ROAD BECKLEY, WV 25801	DOSS ELECTRIC PO BOX 405 RICHWOOD, WV 26261	Gorman, LD PO BOX 89 HAZARD, KY 41702- 0089
Gould's Electric Motor Repair 10947 Clay Hwy PO Box 100 Indore, WV 2511	EMPIRE CONSULTING SERVICES. L.L.C. PO BOX 1949 LOGAN, WV 25601	Grover Hale C/O KIRK LAW FIRM ATTN: JOHN C. KIRK PO BOX 339 PAINTSVILLE, KY 41240

Heintzmann Corp.  
PO BOX 301  
CEDAR BLUFF, VA  
24609

FRAGOMEN, DEL REY,  
BERNSON & LOEWY  
TWO LIBERTY SQUARE,  
11TH FLOOR,  
BOSTON, MA 02109

Heritage Technical  
Associates  
PO BOX 4510  
CHAPMANVILLE, WV  
25508

HM Supply  
1000 CHURCH STREET  
3RD FLOOR  
LYNCHBURG, VA 24504

FUGATE'S REPAIR  
PO BOX 455  
DWARF, KY 41739

Hosch Company  
1002 INTERNATIONAL  
DRIVE  
OAKDALE, PA 15071

Hurberries, Inc.  
516 GROVE STREET NE  
P.O. BOX 210  
COEBURN, VA 24230

GREG'S STEAM  
CLEANING SERVICE  
6015 HWY 451  
HAZARD, KY 41701

Hutch Automotive, Inc.  
615 HWY 15 NORTH  
JACKSON, KY 41339

Jackson Kelly, PLLC  
PO BOX 553  
CHARLESTON, WV  
25322

HERTZ RENTAL  
CORPORATION  
PO BOX 65028  
DALLAS, TX 75265-0280

Jeffrey & Zelma Watson  
579 PITTS FORK RD.  
DAVID, KY 41616

Jennifer Parsons  
424 RACE ST  
LEXINGTON, KY 40508-  
1522

JEFFREY & JOETTA SLONE  
C/O NED PILLERSDORF,  
COUNSEL  
124 WEST COURT STREET  
PRESTONSBURG, KY 41653

Jones & Associates  
13 KANAWHA  
BOULEVARD, SUITE 200  
CHARLESTON, WV 25327

Josephine Henson  
HC 78 BOX 430  
MCDOWELL, KY 41647

JUANITA PAGE  
1059 NEDS FORK ROAD  
MCDOWELL, KY 41647

Justice Mine Service  
PO BOX 232  
JUSTICE, WV 24851

Kat Welding & Fabricating,  
LLC  
HC 88, BOX 360  
GUNLOCK, KY 41632

ADP, INC.  
PO BOX 842854  
BOSTON, MA 02284-2854

Kelly's Radiator Service, Inc.  
974 KY RT. 1409  
OIL SPRINGS, KY 41238

Kenneth & Sherry Hall  
3616 FRASURE CREEK  
ROAD  
MCDOWELL, KY 41647

DONALD ALLEN  
3036 PLANTATION RIDGE  
DRIVE  
GREEN COVE SPRINGS, FL  
32043

Ken's Towing & Service,  
LLC  
PO BOX 3845  
PIKEVILLE, KY 41502

Kentucky Coal Association 800 Corporate Drive #101 Lexington, KY 40503	APPALACHIAN FASTNERS & SUPPLY, INC. PO BOX 3032 BECKLEY, WV 25801	Lee Supply Company, Inc. P.O. BOX 35 CHARLEROI, PA 15022-0035
Liquidity Solutions, Inc. ONE UNIVERSITY PLAZA, SUITE 312 HACKENSACK, NJ 07601	BANK OF NEW YORK MELLON PO BOX 19445A NEWARK, NJ 07195-0445	Machine Services & Associates PO BOX 367 Scarbros, WV 25917
Maxim Crane Works C/O RYAN R. GUTWALD 1225 WASHINGTON PIKE BRIDGEVILLE, PA 15017	BRANDEIS MACHINERY & SUPPLY CO. DEPT 8013 CAROL STREAM, IL 60122- 8013	Mining Controls, Inc. 24705 NETWORK PLACE CHICAGO, IL 60673-1247
Mouldagraph Corporation PO BOX 99 NITRO, WV 25143-0099	CAPITOL CONCEPTS, LLC C/O WOLFE LAW OFFICE, PLLC 718 GRACE AVENUE CHARLESTON, WV 25302	National Armature PO BOX 655 HOLDEN, WV 25625
National Corporate Research 10 EAST 40TH STREET, 10TH FLOOR NEW YORK, NY 10016	CATERPILLAR GLOBAL MINING AMERICA ATTN: STEWART MYERS 351 RAGLAND ROAD, BECKLEY, WV 25801	New River Engineering, Inc. 202 SCHOOL DRIVE SHREWSBURY, WV 25015
Oak Hill Garbage 1479 STANAFORD ROAD BECKLEY, WV 25801	Lexington Insurance Company 88 High Street, 23 <sup>rd</sup> Floor Boston, MA 02110	Ohio Valley Physicians P.O. BOX 390 HUNTINGTON, WV 25708- 0390
Orkin, Inc. 11 CRADDOCK WAY POCA, WV 25159	CLARENCE RISNER 2633 Sunset Circle Lake Wales, FL 33898	Patricia Ousley PO BOX 1383 PRESTONSBURG, KY 41653
Precision Samplers, Inc. 147 11TH AVE., SUITE 200 SOUTH CHARLESTON, WV 25303	COGAR MINE SUPPLY PO BOX 532 BECKLEY, WV 25802	R7 Enterprises, LLC HC 88 BOX 800 HUEYSVILLE, KY 41640

Raleigh Mine & Industrial  
Supply  
1500 MILL CREEK ROAD  
MOUNT HOPE, WV 25880

KENTUCKY STATE  
TREASURER  
DEPARTMENT OF  
REVENUE  
1050 U.S. HWY. 127 S,  
SUITE 100,  
FRANKFORT, KY 40619-  
0001

REI Consultants, Inc.  
PO BOX 286  
BEAVER, WV 25813

Republic Diesel, Inc.  
PO BOX 35650  
LOUISVILLE, KY 40232

MCP ENTERPRISES, LLC  
312 LOWER OVERLOOK  
DRIVE  
HURRICANE, WV 25526

Saluja Law Offices, PLLC  
112 Capitol St #400,  
Charleston, WV 25301

Shearman & Sterling, LLP  
599 LEXINGTON AVENUE  
NEW YORK, NY 10022-6069

MYERS PROPERTY  
MAINTENANCE  
1485 DOG FORK ROAD  
KENNA, WV 25248

QUALITY CRANE, LLC  
2557 THORNWOOD  
STREET S.W.  
GRAND RAPIDS, MI 49519-  
2148

Southern Communications  
Corporation  
306 SOUTH KANAWHA  
BECKLEY, WV 25560

RUTH SHEPHERD  
C/O NED PILLERSDORF  
124 WEST COURT STREET  
PRESTONSBURG, KY 41653

Third Rock Consultants, LLC  
2526 REGENCY ROAD,  
SUITE 180  
LEXINGTON, KY 40503

Synergy Engineering  
Services, PLLC  
1904 S. MAYO TRAIL,  
SUITE 200  
PIKEVILLE, KY 41501

PEGGY STEPHENS  
445 ALUM LICK ROAD  
MARTIN, KY 41649

PITNEY BOWES INC  
5310 Cypress Center Dr #  
110  
Tampa, FL 33609

/s/ Ellen Arvin Kennedy, Esq.  
**TRUSTEE OF THE TRINITY  
UNSECURED CREDITORS TRUST**